

AMENDMENT TO THE CLAIMS

Please amend the claims without prejudice, without admission, without surrender of subject matter, and without any intention of creating any estoppel as to equivalents, as follows.

Cancel claims 4, 13, 16 and 17 without prejudice.

1. (Currently Amended) A topical pharmaceutical composition comprising ketamine and morphine and a pharmaceutically acceptable topical excipient, wherein the morphine is delivered to peripheral opiate receptors and not to central opiate receptors, and wherein the excipient is an aqueous excipient or a gel excipient.

2-6. (Cancelled)

7. (Original) The topical pharmaceutical composition according to claim 1 further comprising a local anesthetic.

8. (Original) The topical pharmaceutical composition according to claim 7, wherein the local anesthetic is selected from the group consisting of lidocaine, bupivacaine, mepivacaine, ropivacaine, tetracaine and benzocaine.

9. (Currently Amended) A method of providing peripheral analgesia and not central or systemic analgesia to a mammal comprising topically administering a tolerance-attenuating dose of ketamine prior to, concurrently with, or following topically administering morphine, wherein the morphine functions through a peripheral opiate receptor, wherein the administration is by topical application of an aqueous solution, gel, lotion, ointment, cream or spray.

10-13. (Cancelled)

14. (Previously Presented) The method according to claim 9, wherein ketamine is administered in a dose of about 0.1 % to about 5%, by weight, of total weight of ketamine and morphine.

15. (Currently Amended) A method of providing tolerance attenuating analgesia to a mammal with pre-existing tolerance to an analgesic comprising topically administering an effective tolerance-attenuating, peripherally and not centrally or systemically, analgesic dose of ketamine concurrently or following topically administering morphine that functions through an opiate receptor, wherein the administration is by topical application of an aqueous solution, gel, lotion, ointment, cream or spray.

16-18. (Cancelled)

19. (New) The topical pharmaceutical composition according to claim 1 wherein the excipient is an aqueous excipient.
20. (New) The topical pharmaceutical composition according to claim 1 wherein the excipient is a gel excipient.
21. (New) The method according to claim 9, wherein the administration is by topical application of an aqueous solution.
22. (New) The method according to claim 15 wherein the administration is by topical application of an aqueous solution.
23. (New) A topical pharmaceutical composition comprising ketamine and morphine and a pharmaceutically acceptable topical excipient, wherein the morphine is delivered to peripheral opiate receptors and not to central opiate receptors, wherein the composition is an aqueous solution, lotion, gel or cream ointment.
24. (New) The topical pharmaceutical composition according to claim 23 further comprising a local anesthetic.
25. (New) The topical pharmaceutical composition according to claim 24, wherein the local anesthetic is selected from the group consisting of lidocaine, bupivacaine, mepivacaine, ropivacaine, tetracaine and benzocaine.
26. (New) The topical pharmaceutical composition according to claim 23, wherein the composition is an aqueous solution.
27. (New) A topical pharmaceutical composition comprising ketamine and morphine and a pharmaceutically acceptable topical excipient, wherein the morphine is delivered to peripheral opiate receptors and not to central opiate receptors and wherein the excipient is alkylene oxide, aloe vera, DMSO, ethylene oxide, gum acacia, gum tragacanth, heptadecaethyleneoxycetanol, hexitol anhydride, lecithin, lecithine base, methylcellulose, phosphate, polyoxyethylene sorbitol monooleate, polyoxyethylene stearate, polyoxyethylenes sorbitan monooleate, propylene glycol, sodium alginate or sodium carboxymethyl cellulose.
28. (New) The topical pharmaceutical composition according to claim 27 further comprising a local anesthetic.

29. (New) The topical pharmaceutical composition according to claim 28, wherein the local anesthetic is selected from the group consisting of lidocaine, bupivacaine, mepivacaine, ropivacaine, tetracaine and benzocaine.

30. (New) The topical pharmaceutical composition according to claim 27, wherein the excipient is ethylene oxide.